

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATE OF AMERICA

Plaintiff,

v.

CYNDY K. WORLEY,

Defendant,

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Case No. 08-CR-05-JHP

ORDER

Defendant Cyndy K. Worley, through court-appointed counsel, filed a motion requesting a determination of her mental competency to proceed (Docket No. 21). The Court granted Defendant's request and ordered a psychiatric or psychological examination of Defendant pursuant to 18 U.S.C. § 4241(b) (Docket No. 22). To this end, Defendant was evaluated by Sandra E. Taber at Green Country Behavioral Health Services, Inc. After receiving the Evaluation (Docket No. 23) prepared by Sandra E. Taber, the Court set a competency hearing for April 7, 2008. At the hearing, the parties stipulated to the Evaluation, but presented no additional evidence or testimony.

Based upon its own observations of Defendant and its review of the record in this case, including the conclusions set forth in Ms. Taber's Evaluation, the Court finds that Defendant is not presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense. 18 U.S.C. § 4241(d); *see Nguyen v. Reynolds*, 131 F.3d 1340, 1346 (10th Cir. 1997) ("Competence to stand trial requires that a defendant have 'sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding' and 'a rational as well as factual understanding of the proceedings against him.'") (quoting *Dusky v. United States*, 362

U.S. 402, 402 (1960)).

Neither Defendant's demeanor nor her conduct in open court provides any evidence of mental incompetency. Defendant made no outbursts and displayed no unusual behavior. Ms. Taber's Evaluation, to which the parties have stipulated, is consistent with the Court's observations. Ms. Taber's opinion and observations reinforce the Court's own determination that there is no evidence indicating that Defendant suffers from any mental condition that would impair her ability to understand the nature and consequences of the proceedings against her or to properly assist in her own defense. Accordingly, the Court finds that Defendant is competent to either enter her plea in this case and be sentenced, or proceed to trial.

IT IS SO ORDERED 7th day of April, 2008.


James H. Payne
United States District Judge
Eastern District of Oklahoma